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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,582	01/04/2001	Hiroyuki Matsushima	201510US2	2026
22850 7590 04/04/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MOONEYHAM, JANICE A	
			ART UNIT 3629	PAPER NUMBER
			NOTIFICATION DATE 04/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/753,582

Applicant(s)

MATSUSHIMA, HIROYUKI

Examiner

Janice A. Mooneyham

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

The applicant has requested reconsideration of the final rejection mailed on 12/21/06. Upon careful review and reconsideration, the Examiner finds the applicant's remarks and arguments to be unpersuasive.

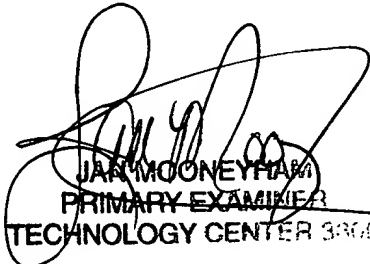
The applicant argues that claim 1 as well as claim 13 recite the limitation "the client terminal comprises an image transmission method designating unit configured to designate, at the time of reservation, server terminal information related to the method of transmission of input image data once the information device is returned". The applicant states that the Office action conceded that there is no teaching or suggestion in Klein for an image transmission method designating unit and that the Office action cited Steinberg as describing "an image transmission designation unit configured to transmit an input image." The applicant then goes on to state that Steinberg at most describes a digital camera that can receive commands regarding data transmission. Applicant further states that there is not teaching or suggestion in Steinberg regarding a device configured to designate, at the time of reservation, a method of transmission of data.

Thus, from applicant's arguments, it appears that applicant is claiming the novel feature of applicant's invention to be the time at which the user can designate the method of transmission of the data.

Claims 1 and 13 are directed to system claims. Therefore, the terminal need to capable of allowing one to designate at the time of reservation the destination for the transmsiion of data. Klein discloses a lending management system wherein the client terminal is configured to transmit to the server terminal via the network information related to reservation of the device. Steinberg discloses an information device (digital camera) and a client terminal comprising an image transmission designating unit configured to transmit an input image data from an image captured by the information device Figure 15 (258) set up destination. Steinberg discloses that the use of the communication device involves first programming it as required. Steinberg teaches that the device can be programmed to send instructions and data to the camera and to perform operations on data received from the camera and to send data to the specified remote destinations by way of the network. Steinberg teaches that the primary function of the communciation device is to perform the necessary operations required to receive data from the camera and send the data to the remote destination by way of a selected communication media indicated by network 16 (col. 4, lines 16-21). The device 10 receives image data and other communication data from a camera 12 and sends the data through the network for transmission to a destination device as defined by device ID or commands (col. 4, lines 42-49). Steinberg discloses that the device is programmable and thus, there is significant flexibility in its use. Steinberg teaches that the device can be programmed to perform functions automatically, for example to receive instruction from the destination device (col. 5, lines 7-18). Steinberg discloses that the device can be programmed to automatically connect to the network when the camera image data is full and then download the image data (col. 19-23).

Applicant is directed to Figures 15 and the accompanying discripitons. Block 258 symbolizes programming the destination 18 to perform operations, Figure 16 lists example of data sent by a destination to a communcation device. Upon receiving data from the communcation device (block 264) the destination can automatlcially process the data according to specified programmed objectives. The destination 18 can also automatically distribute selected data items to other remote locations such as on the web, or email.

Thus, the Examiner asserts that Figures 15 and 16 teach that the destination device of Steinberg comprises an image transmission method designating unit which is programmed to designate server terminal information related to a method of transmission of input image data once the device is returned. Thus, this means that the method of transmission is designated at some earlier point in time. Steinberg in combination with Klein's lending management system configured to transmit data related to reservation of a device discloses an image transmission designating unit such that the user can designate the method of transmission, wherein the designating unit is configured to designate at the time of reservation a method of transmission of data.



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